

**- REMARKS / ARGUMENTS -**

Claims 1 to 8 are presently pending in this application.

Claim 1 is amended to correct a minor typographical error.

**REJECTION OF CLAIMS 1 AND 5 UNDER 35 USC §102(B) USING SMITH**  
**(US 5,315,818)**

The Office Action states that claims 1 and 5 are rejected under 35 USC 102(b) as being anticipated by Smith.

For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Smith does not anticipate neither claim 1 nor claim 5 for the reasons set out below.

Smith teaches a fuel control system having normal and emergency shut down means. Smith's control system sets a fuel interruption rate by setting the income rate of a hydromechanical shut down fluid upon receipt of a normal or emergency shut down command. The normal interruption fluid income rate is set by moving the armature 44 to a position to connect the inlet/outlet 28 to the high pressure fluid via the relatively small bore pipe 65. The emergency interruption fluid income rate is set by moving the armature 44 to a position to connect the inlet/outlet 28 to the high pressure fluid via the larger bore pipe 29.

Care must be taken to differentiate between the shutdown signals and the interruption signals. The emergency interruption signal that is sent to the shut-off valve of Smith

Serial No. 10/717,627  
Response to Office Action of Sept. 1, 2005

Agent's Ref. 2993-483US  
Amdt. dated Nov.29 2005

does not exhibit transient characteristics. Rather, in Smith, the emergency interruption signal is high pressure fuel that is maintained (i.e., not transient) until the start up solenoid valve 66 is energized (see Smith, col. 4, lines 43-45).

Furthermore, Smith does not disclose sending the emergency interruption signal and the normal interruption signal to the shut-off valve upon receipt of the emergency shutdown signal (see claim 1, lines 10-13). In fact, Smith never discusses sending high pressure fuel in line 65 (i.e., the normal interruption signal) to shut-off valve 15 upon receipt of an emergency signal.

Applicants respectfully submit that Smith does not anticipate Claims 1 and 5 because it does not teach several aspects of the claimed invention either explicitly or impliedly. Claims 2-4 are dependent on Claim 1 and Claims 6-8 are dependent on Claim 5 and thus are also novel and non-obvious. Reconsideration of the 102(b) rejection is therefore respectfully requested.

By:

Respectfully submitted,

Matthews, Peter John David



C. Marc BENOIT,  
Registration No. 50,200  
Patent agent  
Tel. No. (514) 847-4462

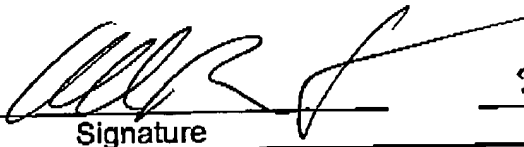
Customer Number 32292

OGILVY RENAULT, LLP

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the  
Patent and Trademark Office on the date shown below.

C. Marc BENOIT (Reg. No. 50,200)  
Name of person signing certification

 29/11/05  
Signature Date

Serial No. 10/717,627  
Response to Office Action of Sept. 1, 2005

Agent's Ref. 2993-483US  
Amdt. dated Nov.29 2005

- 7 -